

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 1:96cr28-LG-JCG

ANTHONY KIZZEE

**DEFENDANT’S THIRD MOTION FOR EXTENSION OF TIME TO FILE REPLY TO
RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION FOR RELEASE**

COMES NOW the defendant Anthony Kizzee, by and through his counsel, and requests an extension of time to file a reply to the Government’s “Response in Opposition by USA as to Anthony Kizzee re Motion to Reduce Sentence – First Step Act”, filed in this matter on May 11, 2020. In support of this motion, defense counsel states as follows:

1. The defendant filed a *pro se* motion for reduction on December 17, 2019 [docket no. 230];

2. Pursuant to the court’s Special Order filed on February 6, 2019, the Office of the Federal Public Defender’s office was appointed to represent Mr. Kizzee effective December 20, 2019;

3. The government filed their response in opposition to Mr. Kizzee’s motion for reduction on May 11, 2020 [docket no. 232];

4. Defense counsel is requesting additional time to retrieve and review the appropriate documents from the Court’s archives in this matter. Counsel has been actively trying to retrieve the documents from the National Archives and Records Administration, but the process has been prolonged due to the COVID-19 Pandemic. Documents have not been received since the filing of the previous request for extension.

5. The undersigned defense counsel is hereby requesting additional time to file a reply to the government's response to defendant's motion for sentence reduction. Counsel is requesting until September 1, 2020, to file his Reply.

6. The undersigned attorney for the defendant has contacted Assistant U.S. Attorney Erin Chalk who has advised that the government does not oppose this motion.

WHEREFORE, PREMISES CONSIDERED, the defendant hereby requests additional time to file a reply to the government's response to the defendant's motion for compassionate release.

Respectfully submitted this the 30th day of June, 2020.

ANTHONY KIZZEE, Defendant

BY: s/ Michael L. Scott
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CERTIFICATE OF SERVICE

I, Michael L. Scott, hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using ECF system which sent notification of such filing to all attorneys of record.

This the 30th day of June, 2020.

s/ Michael L. Scott
Michael L. Scott
Assistant Federal Public Defender